

## **REMARKS/ARGUMENTS**

Claims 1, 3-19, 21, 23-25, and 27-52 were previously pending in the application. Claims 34, 41-42, and 48-50 are canceled; claims 21, 35-36, and 38 are amended; and new claims 53-61 are added herein. Assuming the entry of this amendment, claims 1, 3-19, 21, 23-25, and 27-33, 35-40, 43-47, and 51-61 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

### **Claim Rejections under 35 U.S.C. 112**

In paragraph 9 of the office action, the Examiner stated that claim 50 is indefinite because of the term "substantially." Since claim 50 has been canceled, the Applicant submits that the issue of the indefiniteness of claim 50 is moot. The Applicant has amended claim 38 to delete the term "substantially." As such, currently amended claim 38 recites that "each filter has a random frequency response with a flat spectral envelope." Notwithstanding the deletion of the term "substantially," the Applicant submits that the claimed subject matter is not limited to frequency responses that are absolutely random and spectral envelopes that are absolutely flat. The same applies to new claim 61.

### **Claim Objections and Rejections**

In paragraph 6, the Examiner objected to claims 23-40 and 44 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form. In paragraph 11, the Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Lowe. In paragraph 12, the Examiner rejected claim 21 under 35 U.S.C. 103(a) as being unpatentable over Budnikov in view of Hasebe. In paragraph 13, the Examiner rejected claims 41-42 under 35 U.S.C. 103(a) as being unpatentable over Lowe. In paragraph 14, the Examiner rejected claims 48-50 under 35 U.S.C. 103(a) as being unpatentable over Budnikov. In paragraph 15, the Examiner allowed claims 1, 3-19, 45-47, and 51-52. In paragraph 16-17, the Examiner indicated that claim 43 is allowed. For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

#### **Claim 1**

On the PTOL-326 form and in paragraphs 15, 16, and 17, the Examiner indicated that claim 1 is allowed. In addition, on the PTOL-326 form and in paragraphs 15 and 17, the Examiner indicated that claims 3-19, which depend variously from claim 1, are also allowed. As such, the Applicant assumes that claims 1 and 3-19 are allowed.

#### **Claim 21**

Claim 21 has been amended to include the features of previously pending claim 34. As such, currently amended claim 21 is equivalent to previously pending claim 34 rewritten in independent form. Since the Examiner stated that previously pending claim 34 would be allowable if rewritten in independent form, the Applicant submits that currently amended claim 21 is allowable. Since claims 23-25, 27-33, and 35-40 depend variously from claim 21, it is further submitted that those claims are also allowable.

### New Claims 53-61

Support for new claims 53-61 is found as follows:

<u>New Claim</u>	<u>Support</u>
53	Claims 21 and 27
54	Claim 28
55	Claim 29
56	Claims 21 and 30
57	Claim 31
58	Claim 32
59	Claim 33
60	Claims 21 and 37
61	Claims 21 and 38

New claim 53 is equivalent to previously pending claim 27 rewritten in independent form. Since the Examiner stated that previously pending claim 27 would be allowable if rewritten in independent form, the Applicant submits that new claim 53 is allowable. Since new claims 54-55 depend variously from claim 53, it is further submitted that claims 54-55 are also allowable.

New claim 56 is equivalent to previously pending claim 30 rewritten in independent form. Since the Examiner stated that previously pending claim 30 would be allowable if rewritten in independent form, the Applicant submits that new claim 56 is allowable. Since new claims 57-59 depend variously from claim 56, it is further submitted that claims 57-59 are also allowable.

New claim 60 is equivalent to previously pending claim 37 rewritten in independent form. Since the Examiner stated that previously pending claim 37 would be allowable if rewritten in independent form, the Applicant submits that new claim 60 is allowable.

New claim 61 is equivalent to previously pending claim 38 rewritten in independent form. Since the Examiner stated that previously pending claim 38 would be allowable if rewritten in independent form, the Applicant submits that new claim 61 is allowable.

### Conclusion

For the reasons set forth above, the Applicant respectfully submits that the rejections of claims under Sections 103(a) and 112 have been overcome. Furthermore, new claims 53-61 patentably define over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

### Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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